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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Austin Flake and Logan Flake,  
Plaintiffs,  
v.  
Joseph Michael Arpaio; et al.,  
Defendants.

No. CV-15-01132-PHX-NVW

**MOTION TO STRIKE PLAINTIFFS'  
HEARING MEMORANDUM ON THE  
COURT'S ORDER TO SHOW CAUSE**

Pursuant to LRCiv 7.2(m), Defendants move the Court for an order striking Plaintiffs' Hearing Memorandum on the Court's Order to Show Cause. The Memorandum is not authorized by statute, rule, or court order, and in fact violates both LRCiv 7.2(d) and this Court's prior order.

On January 12, 2018, this Court ordered (Doc. 206) that Plaintiffs show cause by January 26 why Defendants' status reports are not adequate explanation of the questions raised in the minute order of December 14, 2017 (Doc. 184).

On January 26, Plaintiffs filed what they denominated both as a Response to This Court's Order to Show Cause, and as a Second Motion to Compel (Doc. 207). Whatever Plaintiffs had to say could and should have been said at that time.

On February 9, Defendants timely responded (Doc. 208) to Plaintiffs' Second Motion to Compel. Pursuant to LRCiv 7.2(d), Plaintiffs had until February 16 to file a reply memorandum had they anything further to say – but they filed nothing.

Plaintiffs' new filing is simply an untimely attempt to present last-minute arguments to the Court in a manner not provided by the rules and by this Court's order, and thereby to

1 prejudice Defendants. There is no excuse for placing Defendants in this position, and the  
2 attempt should be rejected. Plaintiffs' current filing (Doc. 214) should be stricken.

3 Respectfully submitted,

4  
5 DATED March 1, 2018.

SACKS TIERNEY P.A.

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7 *s/Jeffrey S. Leonard*  
8 Jeffrey S. Leonard  
9 Evan F. Hiller  
10 Attorneys for Defendants  
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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2018, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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s/ Michelle L. Curtsinger